

AMENDED IN ASSEMBLY APRIL 23, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 598

Introduced by ~~Assembly Member Mullin~~ *Committee on Education*
(*Mullin (Chair), Garrick (Vice Chair), Brownley, Coto, Eng,*
Hancock, Huff, Karnette, Nakanishi, and Solorio)

February 21, 2007

~~An act to amend Sections 56520, 56521, and 56523 of the Education Code, relating to special education. An act to add Section 52376.5 to the Education Code, relating to career technical education.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 598, as amended, ~~Mullin Committee on Education. Special education: behavioral interventions. Career technical education.~~

Existing law sets forth various provisions relating to career technical education, including, among others, that the adopted course of study for grades 7 to 12, inclusive, is required to offer courses in prescribed areas of study, including career technical education, and that school districts are authorized to establish pilot programs to provide for the maintenance on Saturday of classes in career technical training upon approval of the Superintendent of Public Instruction.

This bill would authorize a community college or apprentice training instructor to teach a career technical education course on a high school campus, authorize a high school pupil to take an apprenticeship, job training, or community college career technical education course after regular school hours for credit, and authorize a school district to bring in professionals as guest lecturers for career technical education courses.

~~Existing law sets forth certain provisions regarding the use of behavioral interventions with individuals with exceptional needs and, among other things, requires the Superintendent of Public Instruction to monitor and supervise the implementation of those provisions and requires the Superintendent to develop, and the State Board of Education to adopt, regulations governing the use of appropriate behavioral interventions with individuals with exceptional needs receiving special education and related services.~~

~~This bill would also require the Superintendent to report to the Legislature on the implementation of those provisions relating to behavioral interventions.~~

~~This bill would make other technical, nonsubstantive changes.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~*no*. State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 52376.5 is added to the Education Code,~~
2 ~~to read:~~

3 ~~52376.5. (a) A community college or apprentice training~~
4 ~~instructor may teach a career technical education course on a~~
5 ~~high school campus.~~

6 ~~(b) A pupil in high school may take an apprenticeship, job~~
7 ~~training, or community college career technical education course~~
8 ~~after regular school hours for high school credit.~~

9 ~~(c) A school district may bring in professionals from all fields~~
10 ~~as guest lecturers for career technical education courses.~~

11 ~~SECTION 1. Section 56520 of the Education Code is amended~~
12 ~~to read:~~

13 ~~56520. (a) The Legislature finds and declares all of the~~
14 ~~following:~~

15 ~~(1) That the state continually has sought to provide an~~
16 ~~appropriate and meaningful educational program in a safe and~~
17 ~~healthy environment for all children regardless of possible physical,~~
18 ~~mental, or emotionally disabling conditions.~~

19 ~~(2) That teachers of children with special needs require training~~
20 ~~and guidance that provides positive ways for working successfully~~
21 ~~with children who have difficulties conforming to acceptable~~
22 ~~behavioral patterns in order to provide an environment in which~~
23 ~~learning can occur.~~

1 ~~(3) That procedures for the elimination of maladaptive behaviors~~
2 ~~shall not include those deemed unacceptable under Section 49001~~
3 ~~or those that cause pain or trauma.~~

4 ~~(b) It is the intent of the Legislature:~~

5 ~~(1) That when behavioral interventions are used, they be used~~
6 ~~in consideration of the pupil's physical freedom and social~~
7 ~~interaction, be administered in a manner that respects human~~
8 ~~dignity and personal privacy, and that ensure a pupil's right to~~
9 ~~placement in the least restrictive educational environment.~~

10 ~~(2) That behavioral management plans be developed and used,~~
11 ~~to the extent possible, in a consistent manner when the pupil is~~
12 ~~also the responsibility of another agency for residential care or~~
13 ~~related services.~~

14 ~~(3) That a statewide study be conducted and submitted to the~~
15 ~~Legislature of the use of behavioral interventions with California~~
16 ~~individuals with exceptional needs receiving special education and~~
17 ~~related services.~~

18 ~~(4) That training programs be developed and implemented in~~
19 ~~institutions of higher education that train teachers and that~~
20 ~~in-service training programs be made available as necessary in~~
21 ~~districts and county offices of education to assure that adequately~~
22 ~~trained staff are available to work effectively with the behavioral~~
23 ~~intervention needs of individuals with exceptional needs.~~

24 ~~SEC. 2. Section 56521 of the Education Code is amended to~~
25 ~~read:~~

26 ~~56521. (a) This chapter applies to an individual with~~
27 ~~exceptional needs who is in a public school program, including a~~
28 ~~state school for the disabled pursuant to Part 32 (commencing with~~
29 ~~Section 59000), or who is placed in a nonpublic, nonsectarian~~
30 ~~school program pursuant to Sections 56365 to 56366.5, inclusive.~~

31 ~~(b) The Superintendent shall monitor, supervise, and report to~~
32 ~~the Legislature on the implementation of this chapter.~~

33 ~~SEC. 3. Section 56523 of the Education Code is amended to~~
34 ~~read:~~

35 ~~56523. (a) The Superintendent shall develop and the board~~
36 ~~shall adopt regulations governing the use of behavioral~~
37 ~~interventions with individuals with exceptional needs receiving~~
38 ~~special education and related services.~~

39 ~~(b) The regulations shall do all of the following:~~

1 ~~(1) Specify the types of positive behavioral interventions which~~
2 ~~may be utilized and specify that interventions which cause pain~~
3 ~~or trauma are prohibited.~~

4 ~~(2) Require that, if appropriate, the pupil's individual education~~
5 ~~plan includes a description of the positive behavioral interventions~~
6 ~~to be utilized which accomplishes the following:~~

7 ~~(A) Assesses the appropriateness of positive interventions.~~

8 ~~(B) Assures the pupil's physical freedom, social interaction,~~
9 ~~and individual choices.~~

10 ~~(C) Respects the pupil's human dignity and personal privacy.~~

11 ~~(D) Assures the pupil's placement in the least restrictive~~
12 ~~environment.~~

13 ~~(E) Includes the method of measuring the effectiveness of the~~
14 ~~interventions.~~

15 ~~(F) Includes a timeline for the regular and frequent review of~~
16 ~~the pupil's progress.~~

17 ~~(3) Specify standards governing the application of restrictive~~
18 ~~behavioral interventions in the case of emergencies. These~~
19 ~~emergencies must pose a clear and present danger of serious~~
20 ~~physical harm to the pupil or others. These standards shall include:~~

21 ~~(A) The definition of an emergency.~~

22 ~~(B) The types of behavioral interventions that may be utilized~~
23 ~~in an emergency.~~

24 ~~(C) The duration of the intervention which shall not be longer~~
25 ~~than is necessary to contain the dangerous behavior.~~

26 ~~(D) A process and timeline for the convening of an individual~~
27 ~~education plan meeting to evaluate the application of the~~
28 ~~emergency intervention and adjust the pupil's individual education~~
29 ~~plan in a manner designed to reduce or eliminate the negative~~
30 ~~behavior through positive programming.~~

31 ~~(E) A process for reporting annually to the department and the~~
32 ~~Advisory Commission on Special Education the number of~~
33 ~~emergency interventions applied under this chapter.~~